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REMARKS

Claims 1-9 are pending in the application. Applicants amend claims 2-4 and 8 for minor corrections, and amend claims 1 and 5-6 for clarification. Applicants refer to Figs. 7A-7E and their corresponding description, including page 12, lines 15-21, in the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

The Examiner objected to claims 1-5 and 8 for a number of informalities, which Applicants correct by amendment. Accordingly, Applicants respectfully request that the Examiner withdraw the objections.

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,564,097 to Swanke; and claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Swanke in view of U.S. Patent No. 6,021,137 to Kato et al. Applicants amend claims 1 and 5-6 in a good faith effort to clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

The Examiner relied upon Fig. 2 of Swanke, which illustrates a radio receiver with a spreading synthesizer 208, an A/D 214, and a despreading synthesizer 218, as alleged disclosure of the claimed reception side features. Although Swanke describes oversampling an input signal, this cited reference does not disclose the claimed feature of synchronizing the sampling timing of an A/D converter with the oscillation timing of a spread spectrum processed signal.

Thus, Swanke, as cited and relied upon by the Examiner, fails to disclose,

“[a] data communication apparatus comprising:
a transmission side; and
a reception side that includes:

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a spread spectrum processing part that performs a spread spectrum process on an input signal;
an analog-to-digital conversion part that digitally converts the spread spectrum processed signal by sampling the spread spectrum processed signal at a sampling timing in sync with an oscillation timing of the spread spectrum processed signal; and
an inverse spread spectrum processing part that performs an inverse spread spectrum process of said spread spectrum process on the digitally converted signal," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-4 dependent therefrom, is patentable over Swanke for at least the foregoing reasons. Claim 6 incorporates features that correspond to those of claim 1 cited above, and is, therefore, together with claims 7-9 dependent therefrom, patentable over Swanke for at least the same reasons. The Examiner relied upon Kato et al. as a combining reference to specifically address the additional features recited in claim 5, which also incorporates features that correspond to those of claim 1 cited above. As such, the addition of this reference would still have failed to cure the above-described deficiencies of Swanke, even assuming, arguendo, that such an addition would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claim 5 is patentable over the cited references for at least the foregoing reasons.

Claims 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,647,276 to Kuwahara et al. Applicants respectfully traverse the rejection.

The Examiner maintained this rejection because claim 6 allegedly failed to specify features to be on a receiving side. Applicants respectfully submit that Kuwahara et al., as cited and relied upon by the Examiner, fail to disclose the above-cited features of claim 1 regardless of

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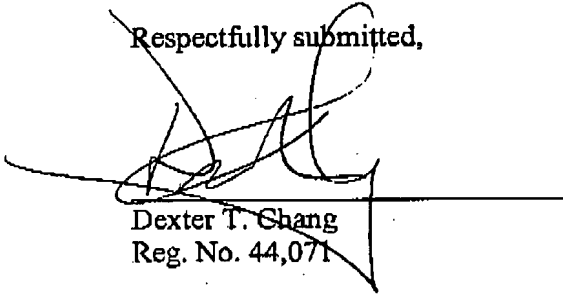
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whether such features reside on a receiving side or not. Again, claim 6 incorporates features that correspond to those of claim 1 cited above. Accordingly, Applicants respectfully submit that claim 6, together with claims 7-9 dependent therefrom, is patentable over Kuwahara et al. for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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